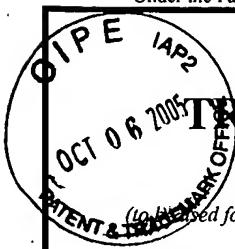


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TRANSMITTAL FORM

(Not used for all correspondence after initial filing)

		Application Number	10/840,188
		Filing Date	May 5, 2004
		First Named Inventor	Mark Mathis
		Art Unit	3732
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission		Attorney Docket Number	29912-719.201

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return receipt postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Maya Skubatch, Reg. No. 52,505, WILSON SONSINI GOODRICH & ROSATI	
Signature		
Date	10-3-05	

CERTIFICATE OF TRANSMISSION/MAILING

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Attorney Docket No. 29912-719.201
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Mark MATHIS, et al.

Serial Number: 10/840,188

Filing Date: May 5, 2004

Title: DEVICE AND METHOD FOR
MODIFYING THE SHAP OF A BODY
ORGAN

Group Art Unit: 3732

Examiner: Not yet assigned

CONFIRMATION NO: 7264

Certificate of Mailing or Transmission

37 CFR §1.8

I hereby certify that this paper is being: deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450; or transmitted by facsimile to the Patent and Trademark Office in accordance with §1.6(d) to facsimile number on October 3, 2005.

KD
Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08A. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits;
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- a certification as specified in §1.97(e) provided concurrently herewith;
-- OR --
- a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

- A. a certification as specified in §1.97(e); and
- B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

37 CFR §1.97(e). A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).

37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

- Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.
-- OR --
- Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.
-- AND/OR --
- Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08A are enclosed in accordance with 37 CFR §1.98(a)(2).
-- AND/OR --
- Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

- 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.
- Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

EP 0893133 was published in German. The English language title, the claims and the drawings are sufficient to convey the scope of its disclosure.

WO 03/049647 was published in German. The English language abstract and the drawings are sufficient to convey the scope of its disclosure.

Should the Examiner believe that a complete translation of any of the above mentioned publication is necessary to understand its disclosure, Applicant(s) will endeavor to provide such translation at the Examiner's request.

- Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith
- Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).
- Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29912-719.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 10-3-05

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

By: Maya S
Maya Skubatch, Reg. No.: 52,505

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Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/840,188
				Filing Date	May 5, 2004
				First Named Inventor	Mark Mathis
				Art Unit	1614
				Examiner Name	Not yet assigned
Sheet	1	of	8	Attorney Docket Number	29912-719.201

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)	MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		US-2001/0018611	08/30/2001	Solem et al.	
		US-2001/0044568	11/22/2001	Langberg et al.	
		US-2001/0049558	12/06/2002	Liddicoat et al.	
		US-2002/0016628	02/07/2002	Langberg et al.	
		US-2002/0042621	04/11/2002	Liddicoat et al.	
		US-2002/0042651	04/11/2002	Liddicoat et al.	
		US-2002/0049468	04/25/2002	Streeter et al.	
		US-2002/0055774	05/09/2002	Liddicoat	
		US-2002/0065554	05/30/2002	Streeter	
		US-2002/0087173	07/04/2002	Alferness et al.	
		US-2002/0095167	07/18/2002	Liddicoat et al.	
		US-2002/0103533	08/01/2002	Langberg et al.	
		US-2002/0138044	09/26/2002	Streeter et al.	
		US-2002/0151961	10/17/2002	Lashinski et al.	
		US-2002/0183837	12/05/2002	Streeter et al.	
		US-2002/0183838	12/05/2002	Liddicoat et al.	
		US-2002/0183841	12/05/2002	Cohn et al.	
		US-2003/0018358	01/23/2003	Saadat	
		US-2003/0069636	04/10/2003	Solem et al.	
		US-2003/0078465	04/24/2003	Pai et al.	
		US-2003/0078654	04/24/2003	Taylor et al.	
		US-2003/0083538 (6,949,122)	05/01/2003	Adams et al.	
		US-2003/0088305	05/08/2003	Van Schie et al.	
		US-2003/0130730	07/10/2003	Cohn et al.	
		US-2003/0135267	07/17/2003	Solem et al.	

Examiner Signature	Date Considered
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<p>Substitute for form 1449/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p>				<i>Complete if Known</i>	
				Application Number	10/840,188
				Filing Date	May 5, 2004
				First Named Inventor	Mark Mathis
				Art Unit	1614
				Examiner Name	Not yet assigned
Sheet	2	of	8	Attorney Docket Number	29912-719.201

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-2003/0144697	07/31/2003	Mathis et al.	
		US-2003/0171776	09/11/2003	Adams et al.	
		US-2003/0225454	12/04/2003	Mathis et al.	
		US-2003/0236569	12/25/2003	Mathis et al.	
		US-2004/0010305	01/15/2004	Alferness et al.	
		US-2004/0019377	01/29/2004	Taylor et al.	
		US-2004/0039443	02/26/2004	Solem et al.	
		US-2004/0073302	04/15/2004	Rourke et al.	
		US-2004/0098116	05/20/2004	Callas et al.	
		US-2004/0102839	05/27/2004	Cohn et al.	
		US-2004/0111095	06/10/2004	Gordon et al.	
		US-2004/0127982	07/01/2004	Machold et al.	
		US-2004/0133220	07/08/2004	Lashinski et al.	
		US-2004/0133240	07/08/2004	Adams et al.	
		US-2004/0133273	07/08/2004	Cox	
		US-2004/0138744	07/15/2004	Lashinski et al.	
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		US-2004/0148021	07/29/2004	Cartledge et al.	
		US-2004/0153147	08/05/2004	Mathis	
		US-2004/0158321	08/12/2004	Reuter et al.	
		US-2004/0176840	09/09/2004	Jonathan J. Langberg	
		US-2004/0193191	09/30/2004	Starksen, et al.	
		US-2004/0260342	12/23/2004	Vargas et al.	
		US-2004/0243227	12/02/2004	Starksen, et al.	
		US-2005/0027351	02/03/2005	Reuter et al.	
		US-2005/0137449	06/23/2005	Nieminen et al.	

Examiner Signature	Date Considered
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				Filing Date May 5, 2004
				First Named Inventor Mark Mathis
				Art Unit 1614
				Examiner Name Not yet assigned
Sheet	3	of	8	Attorney Docket Number 29912-719.201

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		Number-Kind Code ² (if known)			
		US-2005/0137450	06/23/2005	Aronson et al.	
		US-2005/0137451	06/23/2005	Gordon et al.	
		US-2005/0137685	06/23/2005	Nieminen et al.	
		US-4,055,861	11/01/1977	Carpentier et al.	
		US-4,164,046	08/14/1979	Cooley	
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		US-4,588,395	05/13/1986	Lemelson	
		US-4,830,023	05/16/1989	de Toledo et al.	
		US-5,061,277	10/29/1991	Carpentier et al.	
		US-5,250,071	10/05/1993	Palermo	
		US-5,261,916	11/16/1993	Engelson	
		US-5,265,601	11/30/1993	Mehra	
		US-5,350,420	07/27/1994	Cosgrove et al.	
		US-5,474,557	12/12/1995	Mai	
		US-5,514,161	05/07/1996	Limousin	
		US-5,554,177	09/10/1996	Kieval et al.	
		US-5,562,698	10/08/1996	Parker	
		US-5,584,867	12/17/1996	Limousin et al.	
		US-5,601,600	02/11/1997	Ton	
		US-5,676,671	10/14/1997	Inoue	
		US-5,733,325	03/31/1998	Robinson et al	
		US-5,824,071	10/20/1998	Nelson et al.	
		US-5,891,193	04/06/1999	Robinson et al.	

Examiner Signature		Date Considered	
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				Filing Date	May 5, 2004
				First Named Inventor	Mark Mathis
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Sheet	4	of	8	Attorney Docket Number	29912-719.201

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		Number-Kind Code ² (if known)			
		US-5,895,391	04/20/1999	Farnholtz	
		US-5,899,882	05/04/1999	Waksman et al.	
		US-5,908,404	06/01/1999	Elliot	
		US-5,928,258	07/27/1999	Khan et al.	
		US-5,935,161	08/10/1999	Robinson et al	
		US-5,961,545	10/05/1999	Lentz et al.	
		US-5,984,944	11/16/1999	Forber	
		US-6,027,517	02/22/2000	Crocker et al.	
		US-6,077,295	06/20/2000	Limon et al.	
		US-6,077,297	06/20/2000	Robinson et al	
		US-6,096,064	08/01/2000	Routh	
		US-6,099,549	08/08/2000	Bosma et al.	
		US-6,099,552	08/08/2000	Adams	
		US-6,129,755	10/10/2000	Mathis et al.	
		US-6,171,320	01/09/2001	Monassevitch	
		US-6,190,406	02/20/2001	Duerig et al.	
		US-6,210,432	04/03/2001	Solem et al.	
		US-6,275,730	08/14/2001	KenKnight et al.	
		US-6,342,067	01/29/2002	Mathis et al.	
		US-6,352,553	03/05/2002	van der Burg et al.	
		US-6,352,561	03/05/2002	Leopold et al.	
		US-6,358,195	03/19/2002	Green et al.	
		US-6,395,017	05/28/2002	Dwyer et al.	
		US-6,402,781	06/11/2002	Langberg et al.	
		US-6,419,696	07/16/2002	Ortiz et al.	

Examiner Signature	Date Considered
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Sheet	5	of	8	Attorney Docket Number	29912-719.201		

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		US-6,442,427	08/27/2002	Boute et al.	
		US-6,503,271	01/07/2003	Duerig et al.	
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Examiner Signature		Date Considered	
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<p>Substitute for form 1449/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(Use as many sheets as necessary)</i></p>				Application Number	10/840,188
				Filing Date	May 5, 2004
				First Named Inventor	Mark Mathis
				Art Unit	1614
				Examiner Name	Not yet assigned
Sheet	6	of	8	Attorney Docket Number	29912-719.201

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ² – Number ³ – Kind Code ⁵ (if known)				
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Filing Date	May 5, 2004
		First Named Inventor	Mark Mathis
		Art Unit	1614
		Examiner Name	Not yet assigned
Sheet	7	of	8
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NON-PATENT LITERATURE DOCUMENTS

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